

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUBREY McDANIELS,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	NO. 08-4325
	:	
MICHAEL W. HARLOW, et al.,	:	
Respondents.	:	

ORDER

AND NOW, this 10th day of February, 2009, for the reasons set forth in the Report and Recommendation of Magistrate Judge L. Felipe Restrepo, and upon consideration of Petitioner's response thereto, it is hereby **ORDERED** that the Recommendation of Judge Restrepo is **APPROVED**, and the habeas corpus petition herein is **DISMISSED without prejudice**.

There being no substantial showing of the denial of any constitutional right, no certificate of appealability will issue.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.